

SECOND DIVISION

[G.R. No. 189942, August 09, 2017]

**ADTEL, INC. AND/OR REYNALDO T. CASAS, PETITIONERS, VS.
MARIJOY A. VALDEZ, RESPONDENT.**

R E S O L U T I O N

CARPIO, J.:

The Case

Before the Court is a petition for review on certiorari^[1] assailing the 28 May 2009 Resolution^[2] and the 8 October 2009 Resolution^[3] of the Court of Appeals (CA) in CA-G.R. SP No. 108169.

The Facts

Adtel, Inc. (Adtel) is a domestic corporation engaged in the distribution of telephone units, gadgets, equipment, and allied products. On 9 September 1996, Adtel hired Marijoy A. Valdez (respondent) to work as an accountant for the company. Adtel promoted respondent as the company's purchasing and logistics supervisor.^[4] Adtel then entered into a dealership agreement with respondent's husband, Angel Valdez (Mr. Valdez), to distribute Adtel's wideband VHF-UHF television antennas. The dealership agreement was for twelve (12) months and the agreement was extended for another three (3) months.^[5] On 3 February 2006, Mr. Valdez filed a civil case against Adtel for specific performance and damages for the execution of the terms of the dealership agreement.^[6] On 10 May 2006, Mr. Valdez also instituted a criminal complaint for libel against Adtel's chairman, president, and officers.^[7]

On 22 May 2006, Adtel issued a memorandum^[8] directing respondent to show cause in writing why she should not be terminated for conflict of interest and/or serious breach of trust and confidence.^[9] The memorandum stated that the filing of cases by respondent's husband created a conflict of interest since respondent had access to vital information that can be used against Adtel.^[10] Respondent was placed under preventive suspension by Adtel. On 23 May 2006, respondent denied the charges of Adtel. Respondent contended that the cases had nothing to do with her being an employee of Adtel and had not affected her performance in the company.^[11]

On 29 May 2006, Adtel terminated respondent from the company. Respondent filed a complaint for illegal dismissal with the Labor Arbiter. In her Position Paper,^[12] respondent alleged that she did not violate any company rule or policy; neither was she guilty of fraud, nor willful breach of trust. Respondent contended that she was illegally dismissed without just cause and was entitled to separation pay,

backwages, and damages.

The Decision of the Labor Arbiter

In a Decision^[13] dated 24 May 2007, the Labor Arbiter dismissed respondent's complaint for illegal dismissal. The Labor Arbiter found that there existed a conflict of interest between respondent and Adtel. The Labor Arbiter ruled that respondent was not an ordinary rank-and-file employee but a managerial employee with a fiduciary duty to protect the interest of Adtel. The Labor Arbiter held that the civil and criminal cases initiated by respondent's husband indubitably created a conflict of interest that was a just cause for her dismissal by Adtel.

The dispositive portion of the Labor Arbiter's decision reads:

WHEREFORE, premises considered, judgment is hereby rendered
DISMISSING the instant complaint for utter lack of merit.

SO ORDERED.^[14]

The Decision of the National Labor Relations Commission

In a Decision^[15] dated 21 May 2008, the National Labor Relations Commission (NLRC) reversed the decision of the Labor Arbiter. The NLRC ruled that Adtel illegally dismissed respondent. The NLRC held that Adtel failed to substantially prove the existence of an act or omission personally attributable to the respondent to serve as a just cause to terminate her employment.

The dispositive portion of the NLRC's decision states:

WHEREFORE, the appeal is GRANTED and the assailed Decision is hereby REVERSED and SET ASIDE. A new one is hereby rendered ordering the respondent company to pay to the complainant the following amounts:

1. P283,000.00 - representing her separation pay for her almost ten years of service to the company;
2. P684,600.58 - representing her backwages from May 29, 2006 up to the date of this Decision;

Plus ten percent (10%) of the total monetary awards, as and for attorney's fees.

Other claims and charges are dismissed for lack of merit.

SO ORDERED.^[16]

Adtel filed a Motion for Reconsideration which was denied by the NLRC on 24 December 2008. Adtel received the NLRC Resolution on 5 February 2009. On 7 April 2009, the last day for filing its petition for certiorari with the CA, Adtel filed a motion for extension of time with the CA. On 22 April 2009, fifteen (15) days after the last day for filing or the 75th day, Adtel filed its petition for certiorari with the CA.^[17]

The Decision of the CA

On 28 May 2009, the CA denied the motion for extension and dismissed Adtel's petition for certiorari for being filed beyond the reglementary period. The CA ruled that Adtel had until 7 April 2009 to file its petition for certiorari. Instead of filing the petition for certiorari, Adtel filed a motion for extension of time on 7 April 2009 and subsequently filed its petition for certiorari on 22 April 2009, the last day of the extended period prayed for by Adtel. The CA held that the reglementary period to file a petition for certiorari can no longer be extended pursuant to A.M. No. 07-7-12-SC which amended Section 4, Rule 65 of the Rules of Court.^[18]

The dispositive portion of the CA's Resolution states:

WHEREFORE, the Motion is DENIED. Instead, the petition is DISMISSED for being filed beyond the reglementary period.

SO ORDERED.^[19]

Adtel filed a motion for reconsideration which was denied on 8 October 2009.^[20]

The Issues

Adtel presented the following issues in this petition:

A. The Court of Appeals committed a reversible error in denying the petitioners' motion for reconsideration and in dismissing the petition for certiorari on the sole basis of technicality.

B. Technicalities should give way to a judgment on the merits considering that the Labor Arbiter justly and correctly ruled that the complaint for illegal dismissal against petitioner was baseless and unmeritorious only to be later reversed by the NLRC upon respondent's appeal.^[21]

The Decision of this Court

We deny the petition.

A.M. No. 07-7-12-SC which amended Section 4, Rule 65 of the Rules of Court states:

Sec. 4. When and where to file the petition. — The petition shall be filed not later than sixty (60) days from notice of the judgment, order or resolution. In case a motion for reconsideration or new trial is timely filed, whether such motion is required or not, the petition shall be filed not later than sixty (60) days counted from the notice of the denial of the motion.

If the petition relates to an act or an omission of a municipal trial court or of a corporation, a board, an officer or a person, it shall be filed with the Regional Trial Court exercising jurisdiction over the territorial area as defined by the Supreme Court. It may also be filed with the Court of Appeals or with the Sandiganbayan, whether or not the same is in aid of